

EXHIBIT 9

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

DAN AND JEAN MCCARTY, et al.

Plaintiffs,

v.

UNITED STATES OF AMERICA,

Defendant.

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No.: 1:14CV316 MCW

DECLARATION OF JAMES C. TUCKER

I, James C. Tucker, am above the age of eighteen and state the following based on my personal knowledge and belief:

1. I am the President of Tucker and Tucker, P.C. Tucker and Tucker, P.C. is a law firm in Paoli, Indiana. I have been practicing law in Indiana for more than forty years. My firm primarily handles civil matters, including real estate, probate, and estate planning.

2. I was admitted to the Indiana bar in 1971. I am also admitted to practice before United States Supreme Court and the United States District Court for the Southern District of Indiana.

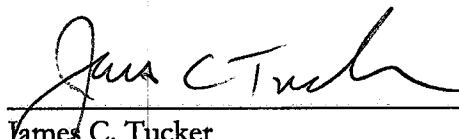
3. I am a member of the Orange County and Indiana State Bar Associations, a fellow of the American College of Trial Lawyers, and a fellow of the Indiana Bar Foundation.

4. In 2014, I contacted Mark F. (Thor) Hearne, II and his legal team at Arent Fox LLP to refer several landowners in the Lawrence County, Indiana, area who seemed to have a potential claim against the federal government for the taking of their property underlying the abandoned easement of the Evansville and Richmond Railroad.

5. I referred these local landowners to Mr. Hearne's legal team at Arent Fox LLP based on these Arent Fox LLP lawyers' demonstrated knowledge and experience representing landowners whose land had been taken pursuant to the National Trails System Act.

6. Prior to referring these landowners to Mr. Hearne and Arent Fox LLP, I researched attorneys with experience successfully representing landowners in inverse condemnation matters before the Court of Federal Claims and the United States Court of Appeals for the Federal Circuit. Based on that research, I determined that Mr. Hearne and Arent Fox LLP have been successfully litigating these types of cases nationally for more than a decade. Based on Mr. Hearne and Arent Fox LLP's national reputation for successfully representing landowners throughout the country in similar inverse condemnation cases, I decided to refer these Indiana landowners to him and his firm.

7. Based upon my experience as a lawyer in the Lawrence County, Indiana area, I do not know of any law firm that possesses comparable experience to that possessed by Mr. Hearne and Arent Fox LLP, nor do I know of an attorney in this area who practices before the United States Court of Federal Claims concerning such claims.


James C. Tucker

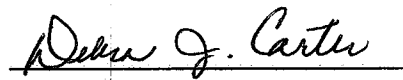
STATE OF INDIANA, COUNTY OF ORANGE, SS:

Before me, the undersigned, a Notary Public, in and for said County and State, personally appeared James C. Tucker, and he being first duly sworn by me upon his oath, says that the facts alleged in the foregoing instrument are true.

WITNESS my hand and seal this 21 day of March, 2016.

MY COMMISSION EXPIRES:

June 7, 2017


Notary Public
Printed: Debra J. Carter
Residence: Orange County, IN